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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/713,285	11/14/2003	Yu-Hung Sun	251210-1470	1118

24504 7590 07/17/2006

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EXAMINER	
NGUYEN, LINH THI	
ART UNIT	**PAPER NUMBER**
2627	

DATE MAILED: 07/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/713,285	SUN ET AL.	
	Examiner	Art Unit	
	Linh T. Nguyen	2627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *14 November 2003*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-12* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-12* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *14 November 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's admitted prior art (AAPA) in view of Lee (US Patent number 6538967).

In regards to claims 1 and 7, AAPA discloses a method of startup for an optical drive with an auto-balance system (Paragraph [0007], lines 3-4), comprising the steps of: providing an optical disk and loading the optical disk into the optical drive with the auto-balance system (Fig. 1); and performing a startup procedure for the optical drive, the startup procedure comprising a servo activating procedure (Fig. 3, S22), a system parameter adjustment procedure (Fig. 3, S23), and a rotation speed control procedure for controlling the rotation speed of a spindle motor of the optical drive (Fig. 3, S24). AAPA does not but Lee discloses a method of adjusting a parameter and rotating the disk speed alternately (Fig. 3, S15-S20). At the time of the invention it would have been obvious to person of ordinary skill in the art to modify the startup process of the optical disk speed and the system parameter adjustment alternately. The motivation for doing so would have been to reduce the delay time in reproduction (Column 2, lines 38-42).

In regards to claims 2 and 8, AAPA discloses the method of startup for an optical drive with an auto-balance system according to claim 1, wherein the servo activating procedure further comprises: a rotating procedure of the spindle motor by a spindle server for activating closed-loop control of the spindle motor (Paragraph [0013], lines 6-8); a focusing procedure of a focus point of the optical drive at a recording surface of the optical disk along a focusing direction by a focus server for activating closed-loop focus control of the focus point (Paragraph [0013], lines 8-12); and a tracking procedure of the focus point at a tracking position of the optical disk along a tracking direction by a track server for activating closed-loop track control of the focus point (Paragraph [0013], lines 12-16).

In regards to claims 3 and 9, AAPA discloses the method of startup for an optical drive with an auto-balance system according to claim 1, wherein the system parameter adjustment procedure is comprised of an optical signal adjustment procedure and an electric signal adjustment procedure for the optical disk (Paragraph [0014], lines 2-5).

In regards to claims 4, 6 and 10, AAPA discloses the method of startup for an optical drive with an auto-balance system according to claim 1, whereat the procedure is performed with a cycle time of .DELTA.T (Fig. 2 shows a ΔT (change in time) from T1-T2 the speed is A and T3-T4 the speed is B).
AAPA does not but Lee discloses a method of rotation speed control procedure is performed cyclically when the system parameter adjustment is performed (Fig. 3, S15-

S120 and if the disk speed is not in condition to reproduce, then the cycle repeats itself until the speed is optimal for reproduction). At the time of the invention it would have been obvious to a person of ordinary skill in the art to combine AAPA ABS method of rotating the disk during the period of T1-T2 or T3-T4 cyclically adjusting the parameter as taught by Lee. The motivation is the same as claim 1 above.

In regards to claims 5 and 11, AAPA discloses the method of startup for an optical drive with an auto-balance system according to claim 4, whereat the rotation speed control procedure is performed for maintaining the rotation speed of the spindle motor according to a corresponding portion of a spindle motor RPM profile (Paragraph [0009]).

In regards to claim 12, AAPA discloses the method of startup for an optical drive with an auto-balance system according to claim 7.
AAPA does not but Lee discloses a method, wherein the servo activating procedure and the system parameter adjustment procedure are performed by a main program (Column 3, lines 66-67 and Column 4, lines 1-2). At the time of the invention it would have been obvious to a person of ordinary skill in the art to combine the ABS method of AAPA to perform the servo and the parameter adjustment in the main program as taught by Lee. The motivation would be to have more exact servo control of the optical pickup (Column 4, lines 2-8).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Linh T. Nguyen whose telephone number is 571-272-5513. The examiner can normally be reached on 8:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, A. Wellington can be reached on 571-272-4483. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

LN
July 7, 2006

ANDREA WELLINGTON
SUPERVISORY PATENT EXAMINER